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PATENTS, TRADEMARKS, COPYRIGHTS &amp; UNFAIR COMPETITION

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**FAX**

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To: Examiner Kang

From: Jeffrey C. Hood

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Fax: 571 273-8300

Pages: 5 (incl. cover)

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Phone: 571 272-3724

Date: November 21, 2006

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Re: SN 09/747,091

Phone: 512/853-8820

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(Attorney Docket No. 5150-45900)

## ● Comments:

Attached are two terminal disclaimers for filing in the above-referenced case.

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NOV 21 2006

PATENT


## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 09/747,091  
Filed: December 21, 2000  
Inventor(s):  
Jeffrey L. Kodosky and Kevin Hogan

Examiner: Kang, Insun  
Group/Art Unit: 2193  
Atty. Dkt. No: 5150-45900

Title: SYSTEM AND METHOD FOR  
PROGRAMMATICALLY  
GENERATING A GRAPHICAL  
PROGRAM IN RESPONSE TO A  
STATE DIAGRAM

I hereby certify that this correspondence is being transmitted via  
facsimile to the United States Patent and Trademark Office (Fax  
No. 571-273-8300) on the date shown below:

 Jeffrey C. Hood  
Signature Date Nov. 21, 2006

**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
OVER A PRIOR PATENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir/Madam:

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2. As sole owner in the captioned application, National Instruments Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the captioned application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as presently shortened by any terminal disclaimer, of prior U.S. Patent No. 7,120,876.
3. National Instruments Corporation hereby agrees that any patent so granted on the captioned application shall be enforceable only for and during such period that it and the prior

patent are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

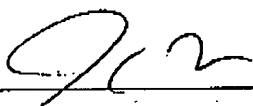
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5. The undersigned is an attorney of record.

The Commissioner is authorized to charge any fees which may be required to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505\5150-45900\JCH.

Date: November 21, 2006

By:

  
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Jeffrey C. Hood  
Reg. No. 35,198  
Attorney of Record

**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application No.: 09/747,091

Filed: December 21, 2000

Inventor(s):

Jeffrey L. Kodosky and Kevin  
HoganTitle: SYSTEM AND METHOD  
FOR  
PROGRAMMATICALLY  
GENERATING A  
GRAPHICAL PROGRAM IN  
RESPONSE TO A STATE  
DIAGRAM

Examiner: Kang, Insun

Group/Art Unit: 2193

Atty. Dkt. No: 5150-45900

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facsimile to the United States Patent and Trademark Office (Fax  
No. 571-273-8300) on the date shown below:

Jeffrey C. Hood

Signature

Nov. 21, 2006  
Date**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING REJECTION  
OVER A PENDING SECOND APPLICATION**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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2. As sole owner in the captioned application, National Instruments Corporation hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. §154 to §156 and §173, as shortened by any terminal disclaimer filed prior to the grant, of any patent granted on pending second Application Serial No. 09/745,023 titled "System and Method for Programmatically Generating a Graphical Program in Response to Program Information" filed on December 20, 2000. National Instruments Corporation hereby

agrees that any patent so granted on the captioned application shall be enforceable only for and during such period that it and any patent granted on the second application are commonly owned. This agreement runs with any patent granted on the captioned patent application and is binding upon the grantee of such patent, and its or his successors or assigns.

3. In making the above disclaimer, National Instruments Corporation does not disclaim the terminal part of any patent granted on the captioned patent application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. §154 to §156 and §173 of any patent granted on the second application, as shortened by any terminal disclaimer filed prior to the grant, in the event that any such granted patent: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 C.F.R. §1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as shortened by any terminal disclaimer filed prior to its grant. Furthermore, National Instruments Corporation does not disclaim any extension or restoration of term to the patent granted on the captioned patent application, which extension or restoration is effected under any applicable statute.

4. The undersigned is an attorney of record.

The Commissioner is authorized to charge any fees which may be required to Meyertons, Hood, Kivlin, Kowert & Goetzel PC Deposit Account No. 501505\5150-45900VCH.

Respectfully submitted



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